

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

-----: :
UNITED STATES OF AMERICA : :
 : :
-vs- : Case No. 1:09-cr-179 :
 : :
MIRWAIS MOHAMADI, : :
Defendant. : :
-----: :

HEARING ON MOTIONS

January 5, 2010

Before: Liam O'Grady, Judge

APPEARANCES:

Ronald L. Walutes, Jr., Counsel for the United States

Frank Salvato, Counsel for the Defendant

The Defendant, M. Mohamadi, in person

1 THE CLERK: Criminal case number 1:09-cr-179, the
2 United States of America versus Mirwais Mohamadi.

3 Counsel please identify themselves.

4 MR. WALUTES: Good afternoon, Your Honor. Ronald
5 Walutes for the United States.

6 THE COURT: All right. Good afternoon.

7 MR. SALVATO: Good afternoon, Your Honor. Frank
8 Salvato for Mr. Mohamadi.

9 Your Honor, I appreciate the Court's indulgence to
10 delay the start of the hearing for a few minutes. I can tell
11 the Court that Mr. Mohamadi is having some concerns about me
12 continuing to represent him.

13 His family is here, his sister is here, his uncles
14 are on their way up, they were just finding parking, they had
15 to leave work. They have been consistent in their support of
16 Mr. Mohamadi. They have retained counsel. And I have worked
17 with them in terms of the monetary payments and schedule of
18 payments and what not.

19 At this point, however, I believe, and Mr. Mohamadi
20 can speak for himself, but I believe he no longer wishes
21 myself to represent him in this matter. We have been, we have
22 talked about this extensively today. And I believe he wants
23 to address that with the Court. And I think it would be
24 appropriate to address that issue prior to his position with
25 regard to the bond conditions.

1 I can tell the Court, I have given great effort to
2 try to resolve this particular situation over the past couple
3 weeks.

4 THE COURT: All right. Thank you, Mr. Salvato.

5 Mr. Mohamadi, come up to the lectern, sir, if you
6 would like to address the Court.

7 I have received your December 14 letter and reviewed
8 it. And I will make it part of the record.

9 So, I understand some of your frustrations, but I
10 don't understand why they are directed towards Mr. Salvato
11 because he is, one, a very respected member of our Bar.

12 Number two, he has worked, as I have heard him--
13 Please have a seat, Mr. Salvato -- in hearings to make sure
14 that your rights were protected and in filing the many motions
15 that have been filed on your behalf and arguing them. He has
16 gotten discovery from the Government, and I am sure looked at
17 that closely.

18 And it appears to me that you are sitting in almost
19 solitary confinement, and you are, as reasonably anyone would,
20 thinking nonstop about the case. And as a result, you are
21 tremendously frustrated. That's not Mr. Salvato's problem,
22 it's your problem up to today's date because your conditions
23 of confinement are a result of the allegations. And probable
24 cause has been established and you have been indicted on
25 attempting to harm potential witnesses and/or obstruct

1 witnesses' testimony. And as a result of those charges, the
2 conditions are what the conditions are. We will address that
3 further in a moment.

4 So, what's your position now on counsel?

5 THE DEFENDANT: First of all, good morning, Your
6 Honor. Happy New Year.

7 My issue is not-- I don't know, am I speaking too
8 loud?

9 THE COURT: No, that's fine.

10 MR. SALVATO: My issue is not personally with Mr.
11 Salvato. I think he is a great attorney, 20-year veteran in
12 the federal courts. I am not questioning his ability as an
13 attorney.

14 My issue basically stems from the conditions. And
15 it's not the mere fact that I'm frustrated, it's just the fact
16 that I am very hindered in my communication with Mr. Salvato.
17 When we speak, there is a security officer in the room while I
18 am talking to Mr. Salvato, and those calls are very limited.
19 They pull me out once on Monday, Friday-- Monday, Wednesday
20 and Friday. And those are, those aren't guaranteed either.

21 And when those calls happen, I just get one chance.
22 If I get through or I don't get through, that's it for the
23 day. And I have gone maybe two weeks, three weeks at a time
24 without getting an opportunity to call Mr. Salvato.

25 And I have kept all that highlighted in grievances

1 that I filed continuously. And I have even got grievances
2 where the Major has responded and stated that Mr. Salvato does
3 not want to speak to me, which I don't believe is the case.
4 And I have all that in writing.

5 And I just don't feel like I am given the
6 opportunity. I am facing a ten-count indictment which, you
7 know, which can result in a life sentence. And I just feel
8 like I should be given the ability to defend myself.

9 And without me being able to converse with Mr.
10 Salvato properly-- I mean, he has to make a five-hour drive
11 just to come see me.

12 And Mr. Walutes does have a legitimate argument
13 claiming that I, you know, accusing me of trying to harm
14 witnesses, but these are unfounded allegations that I should
15 have an opportunity to defend against. If I am being punished
16 before I even get an opportunity, I don't understand how that
17 is due process.

18 THE COURT: Well, it's not just charges alleged by
19 the Government, but a grand jury heard testimony from one or
20 more witnesses who were under oath, and they determined there
21 was probable cause to believe that you had committed those
22 offenses. And that's why you were indicted. And I understand
23 that.

24 THE DEFENDANT: But I-- I am sorry.

25 THE COURT: And you have a right to defend yourself,

1 but that's going to be at trial, which is coming up, what,
2 February 16?

3 THE DEFENDANT: But I also have the right to prepare
4 and, you know--

5 THE COURT: I understand. But your attorney can
6 prepare without consulting with you on a regular basis. He is
7 getting the Government's evidence and--

8 THE DEFENDANT: Without consulting me, I don't
9 understand how he can get the view of the circumstances if he
10 just views what the Government's saying.

11 THE COURT: Why don't we do this. You were sent
12 back to the Northern Neck because of population issues--

13 THE DEFENDANT: I feel like those issues that they
14 claim are not valid because just prior to me being there, they
15 held a terrorist that was accused of killing thousands of
16 people, and they had appropriate accommodations for him. And
17 I don't understand how I am such a severe case where I can't
18 be held in that facility.

19 And I am very aware of other facilities in that area
20 that are very secure and have very competent staff that they
21 would be able to house me. I feel like all of this is just a
22 measure from the prosecution, I am not accusing the
23 prosecution of anything because I respect the fact that he is
24 doing his job, but I am just saying that all these stuff are
25 actually, in my eyes are viewed as a way of hindering me from

1 preparing a defense.

2 I am moved away from my attorney, I am not able to
3 communicate with my family who are a source of my resources.
4 How am I supposed to obtain experts--

5 THE COURT: Why isn't that resolved by, at least in
6 part by moving you back to Alexandria or one of the other
7 jails in Northern Virginia by towards the end of January? So,
8 you have three or more weeks to prepare.

9 And I am willing to do that, to bring you back and
10 order the Marshals Service to bring you back sometime towards
11 the end of January to make sure that you have an opportunity
12 to meet individually with, face-to-face with your counsel.

13 So, I think we can cure part of the problem by doing
14 that. And I am willing to do that. I do not want you so
15 anxious by lack of preparation that you are not able to listen
16 to what's going on in a trial. And I think that is the
17 solution for that.

18 And I think that's, really the ability to
19 communicate has been the issue.

20 THE DEFENDANT: But due to that inability to
21 communicate, I have a lot of pretrial motions that I want to
22 address that haven't been addressed. And the fact that a lot
23 of the motions that I wanted to, you know, preserve in case I
24 do have to appeal, which is very likely with the amount of
25 cases that I am facing, I would like to preserve a lot of

1 situations, which I haven't been given the opportunity to do
2 because of my lack of communication.

3 THE COURT: Well, you can't write that down and put
4 it in a letter to Mr. Salvato?

5 THE DEFENDANT: I have wrote-- My letters aren't
6 getting to him. There is a log of letters that went out. I
7 haven't received any notification or any responses from Mr.
8 Salvato claiming that he has received these letters. And I
9 have proof that I have sent these letters out.

10 THE COURT: Okay. Have you been getting
11 correspondence?

12 MR. SALVATO: I have, Your Honor.

13 THE COURT: Okay.

14 MR. SALVATO: There are, obviously, some motions
15 that I think have already been preserved, and there are some
16 motions that could still be preserved or filed. I think
17 that's a matter within my discretion as to how many and what
18 types of motions should be filed, but I certainly have
19 listened very carefully and read everything from Mr. Mohamadi.

20 THE COURT: Okay. All right. Well then, leave will
21 be granted to file motions if you want to file separately--
22 If Mr. Salvato tells you that he doesn't think there is any
23 legal justification for filing a certain motion, and you want
24 to file it--

25 THE DEFENDANT: I understand some of his concerns

1 are strategywise, and I understand that 100 percent. My only
2 concern are notices that are time barred. Those are my only
3 concerns. And that's where we have had a little bit of
4 communication problem. And I haven't had the opportunity to
5 really speak with him about it.

6 THE COURT: Okay. Well--

7 THE DEFENDANT: And outside of that issue, and this
8 issue with the grand jury also, I feel like there has been
9 perjured testimony presented in front of the grand jury.
10 There is a lot of issues that I would like to address, and I
11 feel like I haven't been given the opportunity to address.

12 THE COURT: You are not going to get--

13 THE DEFENDANT: I have proof that there has been
14 perjurious testimony presented in front of the grand jury.

15 THE COURT: What was presented to the grand jury
16 isn't going to convict you of anything.

17 THE DEFENDANT: I understand that, but they started
18 this whole thing. And I am facing ten different incidents in
19 one trial.

20 THE COURT: I understand. I understand you have a
21 right to cross-examine each of the witnesses the Government
22 puts on the stand under oath. And if they have perjured
23 themselves, that is going to come out.

24 To the extent the Government doesn't rely on
25 witnesses because they are not, for whatever reason, the jury

1 isn't going to hear any testimony that you think is perjured
2 testimony. The jury is going to get only the part of the case
3 that comes into evidence in this courtroom. And you have got
4 the right to cross-examine every one of those witnesses.

5 THE DEFENDANT: And I am very appreciative of your
6 decision to move me, and that's very gracious of you. I am
7 very appreciative of that.

8 I just, my main concern is this. And there is other
9 issues too, I am kind of nervous, this is something new for me
10 and I am under a lot of stress and pressure, but another main
11 concern is I have a ton of evidence that I need to recover to
12 present in my defense. And I don't feel like I have had the
13 opportunity to really discuss these issues with Mr. Salvato
14 because of my fear of exposing this stuff through the phone
15 calls, through the mail.

16 And when he comes to visit me, I am in a room where
17 there is an intercom. And I have had already issues with
18 staff in the intercom room which I have written up where staff
19 have addressed me as an informant, a snitch. And I wrote
20 these issues up. And the Captain have dealt with this where
21 they have went inside of my case and obtained certain
22 information that I have discussed with Mr. Salvato.

23 So, I just don't feel comfortable under those
24 conditions. I mean, there is a speaker that's on inside of
25 the room when I talk to Mr. Salvato.

1 My mail is not going out. I can show you the log
2 where I haven't received any responses to those mails. And
3 some of the stuff that I have asked Mr. Salvato if he has
4 read, he hasn't. I have sent a lot of letters, I am sure some
5 have gotten to him. But there is a lot that haven't got to
6 him because when I addressed those issues, he just didn't have
7 it.

8 So, there is a lot of evidence that I need to
9 recover, and I feel like, I don't understand how I am going to
10 be able to do that in three weeks.

11 THE COURT: Okay. What's your schedule like the
12 rest of this week? Are you going, if I order that he remain
13 in Alexandria until the weekend, until Sunday or next Monday,
14 will you have an opportunity to meet with him?

15 MR. SALVATO: Sure. I can see him tomorrow, which
16 is Wednesday. Thursday afternoon. I am relatively free this
17 week, Your Honor.

18 THE COURT: All right. And what kind of conditions
19 are there, are you meeting with him? Are you able to have a
20 confidential conversation?

21 MR. SALVATO: We do speak at Northern Neck. Sorry,
22 Mr. Linnell.

23 I have been down to Northern Neck either eight or
24 nine times to see him. It is a two-and-a-half our trip down
25 there, plus our time there, and plus our return trip. But

1 during the time that I am there, he and I are alone in an
2 interview room. There is an intercom that is available if one
3 were to listen to the conversation.

4 THE DEFENDANT: Other attorneys don't have it. They
5 have their own room without an intercom when they speak.

6 MR. SALVATO: He is in a high security designation.
7 So, therefore, I have to meet with him in a special area. The
8 facility has to be closed down for me to walk through the
9 hallway. It has to be closed down for him to walk through the
10 hallway. And then we are in this back room where there is an
11 intercom.

12 THE DEFENDANT: They don't close the facility down,
13 they just stop movement on the hallway.

14 THE COURT: Right.

15 THE DEFENDANT: When I was meeting Mr. Brehm, they
16 let me meet him--

17 THE COURT: Okay, hold on, let me finish with Mr.
18 Salvato.

19 Mr. Salvato, in Alexandria in the next several days,
20 you have met with him, I am sure, on occasions in the
21 Alexandria jail, is that suitable for having an
22 attorney/client conversation?

23 MR. SALVATO: It is.

24 THE DEFENDANT: I would rather not--

25 THE COURT: Stop, Mr. Mohamadi.

1 THE DEFENDANT: I am sorry.

2 MR. SALVATO: It is, Your Honor, it is certainly
3 preferable over Northern Neck. Alexandria is very cautious in
4 terms of any observation of attorney/client meetings.

5 THE COURT: Okay. All right. Then I will keep you
6 here until next Monday. And I will order them to return you
7 with three weeks to go before trial.

8 THE DEFENDANT: Your Honor, I have an issue with
9 that too.

10 THE COURT: Yes, sir.

11 THE DEFENDANT: One of the main people in this case
12 is Mr. Bernham, who works as an investigator at the facility
13 in Alexandria. And I have documents where I have been denied
14 access to attorney there too.

15 So, just to prevent any more, you know, complaints
16 from me, I just wanted to bring that forward. And Mr. Salvato
17 can witness he has tried to come see me when I was trying to
18 hire him, and he was denied access. Is that correct? And
19 that's happened on numerous occasions I have been denied.

20 And I went through a lot of issues which I am going
21 to present in trial with what went on in Alexandria also. So,
22 I just wanted to bring that--

23 THE COURT: Okay.

24 THE DEFENDANT: I just don't feel comfortable--

25 THE COURT: If Mr. Salvato has problems gaining

1 access to you while you are in Alexandria, then he can pick up
2 the telephone and call chambers and we will correct that.

3 THE DEFENDANT: All right. Thank you, Your Honor, I
4 really appreciate it.

5 THE COURT: Okay. All right. Then let's leave--
6 Are you willing to continue to work with Mr. Salvato at this
7 time then?

8 THE DEFENDANT: I am not 100 percent sure, Your
9 Honor.

10 THE COURT: Well, let's get through this weekend.
11 This trial date, we are going to have a trial on February 16,
12 the trial is going to start.

13 THE DEFENDANT: Okay.

14 THE COURT: And you haven't identified any reason
15 why Mr. Salvato should not continue. And instead, this is a
16 mechanical problem in your not having the access that you
17 would like to have to your counsel. And as I have indicated,
18 that's because of the charges against you and the risk to
19 witnesses based on prior acts.

20 THE DEFENDANT: Can I--

21 THE COURT: So, let's get in a mindset where you are
22 going to in the next several days identify further
23 investigation you want done, any documents that you have in
24 support of defenses, where those documents are located. And
25 give Mr. Salvato all the information that you believe he needs

1 to continue to prepare your defense. And we are going to go
2 from there.

3 THE DEFENDANT: Your Honor, I honestly would like to
4 proceed pro se from this point forward. I just don't feel
5 comfortable with all the stuff that is going on. It is going
6 to be completely difficult for me try to do this in three to
7 four weeks before trial.

8 And I have been dealing with it myself for the last
9 three years that I have incarcerated now. And if it is
10 possible, I would like Mr. Salvato to address these conditions
11 hearings because he has prepared for it.

12 THE COURT: I am not going to relieve Mr. Salvato at
13 this time. And, frankly, the motion isn't before me and
14 noticed.

15 If you and Mr. Salvato after this weekend decide
16 that you are going to move to proceed pro se, then he can file
17 a motion on your behalf and we will have it heard after notice
18 has been given.

19 THE DEFENDANT: Can I ask under what rule are these
20 sanctions being applied to me, under what criminal rule? Like
21 isn't there some type of code section that I am falling under?

22 THE COURT: These are conditions of confinement
23 based on your threat to, potential threat to witnesses in the
24 case. And those are administrative matters which the
25 correctional facility is in charge of. I can modify them--

1 THE DEFENDANT: The impression that I was under from
2 Mr. Nelson before he left, he told me that he was told by Mr.
3 Walutes to apply these sanctions on me. But in the
4 Government's motion, he stated that these sanctions were
5 applied to me under, because of the safety and security of the
6 institution. He didn't say that it was because of these
7 allegations. He basically said that it was because of
8 something I have done in the institution, but I haven't done
9 anything.

10 And in comment to the stuff, the cases that he
11 cited, which were cases where inmates tried to escape,
12 assaulted staff, took the uniform--

13 THE COURT: You are charged with recruiting fellow
14 inmates to kill--

15 THE DEFENDANT: But I am pleading not guilty.

16 THE COURT: I know you have pled not guilty.

17 THE DEFENDANT: That's the allegation though.

18 THE COURT: But that's--

19 THE DEFENDANT: No one, I don't have a history of
20 harming anyone. I have never harmed anyone. No witness has
21 been harmed in this case. I mean, if that's the case, any
22 inmate has that thought. I mean, if you put a microphone
23 inside the jail, I am sure you would pick up about 100 federal
24 cases that Mr. Walutes could prosecute.

25 THE COURT: Well, you are not--

1 THE DEFENDANT: I mean, I just don't how understand
2 that is the basis for these type of extreme conditions.

3 THE COURT: That is not before me, I am not going to
4 discuss it any more. I have told you, I have tried to
5 explain, you are not listening, you are just giving me a
6 speech now. You have been convicted of robbery, you have been
7 convicted--

8 THE DEFENDANT: I was 16 years old, Your Honor.

9 THE COURT: Those are crimes of violence, okay,
10 whether you are 16 or 18 or 21.

11 THE DEFENDANT: With a BB gun. So, I am basically
12 getting prosecuted again for what I did when I was 16. That
13 is all that is really happening.

14 THE COURT: But an institution has a right to
15 consider the potential danger that you face. They don't know
16 you. All they know is your prior record and the charges
17 against you. And that's enough for them to make decisions
18 based on the conditions of your confinement while you are
19 there for the safety of the correctional facility and its
20 guards, and also considering potential witnesses who may be
21 threatened.

22 THE DEFENDANT: So, I am not afforded the First
23 Amendment right of communication with my family or those
24 rights that everyone else is afforded--

25 THE COURT: Not when-- Well, you allegedly abused

1 that.

2 THE DEFENDANT: That's what I am saying, allegedly.
3 Mr. Walutes has thrown everything at me except the kitchen
4 sink. What has my family done? My family doesn't even have
5 traffic tickets.

6 THE COURT: Okay. Now, it's not what--

7 THE DEFENDANT: To blame them for-- That's just
8 ridiculous. I would like to put him to his proof. He is just
9 basically saying anything. There is stuff that I would like
10 to accuse him of without any proof. So--

11 THE COURT: Listen, listen. Okay. You have made
12 your--

13 THE DEFENDANT: He doesn't have to prove what he is
14 saying? All he has to do is say it and everyone one is going
15 to believe it?

16 THE COURT: That's not what is happening here and
17 you know it. So--

18 THE DEFENDANT: Sir, that's exactly-- My family
19 hasn't done anything illegal, Your Honor.

20 THE COURT: We are done with this conversation. We
21 are done with this conversation. Okay.

22 All right. Mr. Salvato is going to remain your
23 counsel, you are going to work with him this weekend, during
24 this week, and give him the information that you say--

25 THE DEFENDANT: There is other conflicts of

1 interests --

2 THE COURT: Stop, stop.

3 THE DEFENDANT: -- I don't want to get into without
4 waiving my attorney/client privilege, Your Honor. That's the
5 main thing. I don't want--

6 THE COURT: And you can file it in a motion and put
7 it under seal if Mr. Salvato believes that it ought to be
8 under seal.

9 THE DEFENDANT: No--

10 THE COURT: Stop, stop. Listen to me. Listen to
11 me. You listen to me for a minute.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: I have listened to you for awhile.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. This is how we are going to
16 proceed. And I am going to give Mr. Salvato an opportunity to
17 speak further on other modifications.

18 But at the very least, we are going to keep you here
19 in Alexandria or in Fairfax if necessary --

20 THE DEFENDANT: Please, Fairfax, I would really
21 appreciate Fairfax.

22 THE COURT: -- until Monday.

23 THE DEFENDANT: If it is possible. I know I can't
24 make any requests, I know--

25 THE COURT: I will ask them for Fairfax if that's

1 possible.

2 THE DEFENDANT: Alexandria is actually a much better
3 facility where they give you everything, TV, cable, food.
4 Fairfax is a lot stricter, but the only thing, good thing
5 about Fairfax is they don't violate your rights when it
6 relates to attorneys and stuff like that, they follow the law
7 to the T, even though they are much stricter.

8 THE COURT: Okay. All right. Fairfax if it is
9 available. And if not, Alexandria. And that you shouldn't be
10 returned earlier than Monday of next week. And that I will
11 have you brought back three weeks before trial to a Northern
12 Virginia facility.

13 And if there is problems with Mr. Salvato's access
14 to you, then he can call chambers and we will try and rectify
15 that right away.

16 THE DEFENDANT: Thank you, Your Honor.

17 THE COURT: All right. Have a seat for a minute.

18 Mr. Salvato, what other issues would you like to
19 address?

20 MR. SALVATO: The only other issue, practical issue,
21 I would like his family to be able to have one visit with him.
22 I think that would be helpful. I know they would love to
23 speak to the Court if they could today, but I can hear what
24 they are saying. Which is, they really want an opportunity to
25 speak with him about his future decisions about counsel and

1 sort of the future direction of the case.

2 So, really, practically speaking, I appreciate
3 Fairfax or Alexandria, either one is fine. I will go over
4 there and see him this week and review everything with him.
5 And then I think his family, if they could get one visit with
6 him to talk to him a little bit, I think that would be
7 helpful.

8 And then, obviously, Your Honor, he will make a
9 decision by Friday whether he does want to indeed proceed pro
10 se or not. If he does decide that he wants to proceed pro se,
11 I will file something. And then we will need to notice that
12 as quickly as possible.

13 THE COURT: Okay. All right. Mr. Walutes, any
14 objection to--

15 MR. WALUTES: Your Honor, the only request I have is
16 that I would ask that Mr. Salvato as an officer of the court
17 be present when the family meets with him.

18 I have no objection with Mr. Salvato being there and
19 the family. I believe as an officer of the court that
20 eliminates my concerns.

21 I don't want law enforcement to have to be present
22 and figure out what they are saying in a different language.
23 And, frankly, I want to stop investigating this case. And it
24 just keeps going.

25 And so, with the qualification that Mr. Salvato be

1 present when the family meets with him to talk about the
2 future direction of the defense, I have no objection, Your
3 Honor.

4 THE COURT: All right.

5 MR. SALVATO: That will be fine, Your Honor, I am
6 happy to do that. Alexandria may be a little bit more
7 accommodating, but if we want to try Fairfax first and then
8 Alexandria. But I have known the officers over at Alexandria
9 for 20-some years, and I think we could accommodate that. And
10 I am happy to be there while his family speaks to him.

11 THE COURT: All right. I think that's an
12 appropriate accommodation. Although, as we are all aware, if
13 they are speaking a foreign language, Mr. Salvato is there as
14 an officer of the court, but not able to understand everything
15 that is being spoken.

16 MR. WALUTES: I would hope then, Your Honor, that
17 somebody in the family would translate for Mr. Salvato.

18 THE COURT: All right. Let's include Mr. Salvato in
19 the conversation.

20 All right. Okay, I will get an order out. It's
21 seven more weeks. And your focus should be on assisting your
22 counsel in providing with you the best possible defense.

23 And we have already talked about how I feel about
24 pro se representations, it is not in your best interest to
25 represent yourself. You won't get-- You won't be able to do

1 half of what you think you are going to be able to do. And
2 you are going to be held accountable for the rules of
3 evidence. And it's a bad idea. But let's see where we go for
4 the rest of the week.

5 All right. Thank you all.

6 MR. SALVATO: Thank you, Your Honor.

7 THE DEFENDANT: Thank you, Your Honor.

8 THE COURT: We are in recess.

9 -----
10 HEARING CONCLUDED

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21 I certify that the foregoing is a true and
22 accurate transcription of my stenographic notes.

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25

/s/ Norman B. Linnell
Norman B. Linnell, RPR, CM, VCE, FCRR